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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) 3:16-CR-078-MMD-(VPC)
9 Plaintiff,)
10 v.) Preliminary Order of Forfeiture
11 JERARDO VIRGEN-BAUTISTA,)
12 Defendant.)

13 This Court finds that defendant JERARDO VIRGEN-BAUTISTA pled guilty to Count
14 One of a One-Count Indictment charging him with Felon in Possession of a Firearm in violation
15 of Title 18, United States Code, Section 922(g)(1). Indictment, ECF No. 1; Change of Plea, ECF
16 No. 35.

17 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
18 America has shown the requisite nexus between property set forth in the Forfeiture Allegation of
19 the Indictment and the offense to which defendant JERARDO VIRGEN-BAUTISTA pled guilty.

20 The following property is subject to forfeiture pursuant to Title 18, United States Code,
21 Section 924(d)(1) with Title 28, United States Code, Section 2461(c):

- 22 1. a Zastava PAP M70 Caliber 7.62-39mm rifle bearing serial number N-
23 PAP047185;
24 2. a Mosin-Nagant M91/30 caliber 7.62x54R rifle bearing serial number
25 9130387517;
26 3. a Glock Model 22 .40 caliber pistol bearing serial number EBR847; and

1 4. any and all ammunition
2 (all of which constitutes property).

3 This Court finds the United States of America is now entitled to, and should, reduce the
4 aforementioned property to the possession of the United States of America.

5 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
6 the United States of America should seize the aforementioned property.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
8 of JERARDO VIRGEN-BAUTISTA in the aforementioned property is forfeited and is vested in
9 the United States of America and shall be safely held by the United States of America until
10 further order of the Court.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
12 America shall publish for at least thirty (30) consecutive days on the official internet government
13 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
14 property, state the time under the applicable statute when a petition contesting the forfeiture must
15 be filed, and state the name and contact information for the government attorney to be served
16 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
17 Section 853(n)(2).

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
19 entity who claims an interest in the aforementioned property must file a petition for a hearing to
20 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
21 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
22 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
23 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
24 facts supporting the petitioner's petition and the relief sought.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
26 filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building,

1 400 South Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the
2 notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of
3 the publication on the official internet government forfeiture site, www.forfeiture.gov.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
5 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
6 the following address at the time of filing:

7 Greg Addington
8 Assistant United States Attorney
9 100 West Liberty Street, Suite 600
Reno, NV 89501

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
11 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
12 agency following publication of notice of seizure and intent to administratively forfeit the above-
13 described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
15 of this Order to all counsel of record.

16 DATED this 28th day of September, 2017.

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20 UNITED STATES DISTRICT JUDGE
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